

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARKUS HUNT

Plaintiff,

v.

**CLINTON MEDICAL
TRANSPORT, INC.**

Defendant.

: Case No. 1:17-cv-00001

: (Judge _____)

: **NOTICE OF REMOVAL**

Defendant Clinton Medical Transport, Inc. ("Clinton Medical"), hereby removes Case No. CVH16000451, filed on December 2, 2016 in the Common Pleas Court of Clinton County, Ohio titled *Markus Hunt v. Clinton Medical Transport, Inc.*, to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446. The grounds for the removal of this state court action are set forth in the attached Memorandum.

Respectfully submitted,

DUNLEVEY, MAHAN & FURRY

By s/Amy C. Mitchell

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*Attorneys for Defendant Clinton Medical
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MEMORANDUM IN SUPPORT

On December 2, 2016, Plaintiff filed a Complaint in the Common Pleas Court of Clinton County, Ohio. The Summons was issued on December 5, 2016 and was served on Clinton Medical Transport, Inc. (“Clinton Medical”) on December 7, 2016. Copies of the Summons and Complaint are attached as Exhibit A. Such pleadings constitute the entire proceedings in this action to date.

Because Plaintiff’s Complaint states a cause of action arising under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331. 28 U.S.C. § 1441(a) provides that any action brought in a state court in which a United States Court has original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where such action is pending. Such removal may be initiated within thirty (30) days of receipt of a pleading “from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b). This case became removable upon service of the Complaint on December 7, 2016. This removal is therefore timely. Additionally, the District Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

Clinton Medical has served, or will promptly serve, written notice of the filing of this Notice of Removal upon all parties to this action, and will file a copy of the Notice of Removal, along with a Notice of Filing of Notice of Removal, in the Court of Common Pleas, Clinton County, Ohio, as provided by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal (without exhibits) is attached as Exhibit B.

For the foregoing reasons, removal of this case from the Common Pleas Court of Clinton County, Ohio to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, is proper.

Respectfully submitted,

DUNLEVEY, MAHAN & FURRY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was hereby filed electronically this 3rd day of January, 2017. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

s/Amy C. Mitchell

Amy C. Mitchell